

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MELANIE FEDELE, individually and on :
behalf all others similarly situated, :
Plaintiff, :

v. :

MARIST COLLEGE, :
Defendant. :

ORDER

20 CV 3559 (VB)

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NICKESHA THOMAS and NOAH ZACCO, :
individually and on behalf of all others :
similarly situated, :
Plaintiffs, :

v. :

MERCY COLLEGE, :
Defendant. :

20 CV 3584 (VB)

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By Opinion and Order dated August 10, 2021, the Court granted defendant Marist College's motion to dismiss and defendant Mercy College's motion for judgment on the pleadings. (20 CV 3559, Doc. #42; 20 CV 3584, Doc. #50). The Court also denied plaintiffs' informal requests, made in their oppositions to defendants' motions to dismiss, that if the Court "determines [plaintiffs'] allegations are deficient in any respect," the Court grant them leave to further amend their respective complaints. (*Id.*). Rather, the Court stated:

By September 10, 2021, plaintiffs may file (i) further amended complaints if consented to by defendants, or (ii) formal motions for leave to amend, including their proposed amended complaints and a redline version comparing each respective operative complaint and proposed amended complaint. If plaintiffs fail to do so, the Court will enter judgment and close the respective case. No extension of this deadline will be granted.

(*Id.* at ECF 20).

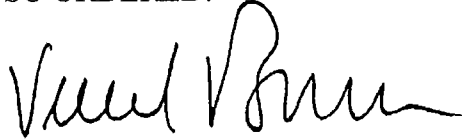
On September 10, 2021, plaintiff Fedele filed a Second Amended Complaint (20 CV 3559, Doc. #43), and plaintiffs Thomas and Zacco filed a Third Amended Complaint (20 CV

3584, Doc. #51). However, plaintiffs did not indicate whether defendants consented to plaintiffs' amendments nor did plaintiffs file formal motions for leave to amend.

Accordingly, it is HEREBY ORDERED that by **September 17, 2021**, plaintiffs shall clarify whether defendants have consented to plaintiffs' amendments. If defendants have not consented, the Court, in accordance with its August 10 Opinion and Order, will enter judgment and close the respective case.

Dated: September 15, 2021
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge